

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

STEVE STEWART, LAMONT BULLOCK,
NATHAN RILEY, and DERRICK
MUNCHINSON,

Plaintiffs,

v.

JEFFREY BEARD, JOHN PALAKOVICH,
JAMES FOUSE, and WILLIAM FELTON,

Defendants.

CIVIL ACTION NO. 3:07-cv-1916

(JUDGE CAPUTO)

MEMORANDUM ORDER

Before me is Plaintiff Nathan Riley's ("Riley") Motion for Physical and Mental Examinations. (Doc. 157.) Riley requests, pursuant to Federal Rule of Civil Procedure 35, that the Defendants provide him with a physical and mental examination because his medical status is at issue in this litigation. This Court has previously clarified that such a request is impermissible under Rule 35, stating:

While it is true that FED. R. CIV. P. 35(a) does provide a method whereby a court can order a party to submit to a physical or mental examination when mental or physical condition is in controversy, no authority has been provided that indicates that a court may issue such an order at the request of a party for that party's own examination and for the purpose of gathering discovery.

Meekins v. Law, No. 3:cv-06-1321, 2008 U.S. Dist. LEXIS 59339, at *8 (M.D. Pa. Aug. 5, 2008). Additionally, Riley has not suggested what authority would compensate the medical professional for the examination; his *in forma pauperis* status does not compel the government to cover his litigation expenses. *Tabron v. Grace*, 6 F.3d 147, 159 (3d Cir.

1993) (“there is no provision in the [*in forma pauperis* statute, 28 U.S.C. § 1915] for the payment by the government of the costs of . . . litigation expenses.”). Riley may provide any required evidence as to his alleged condition through his own testimony. See *Meekins*, 2008 U.S. Dist. LEXIS 59339, at *9. Therefore, Riley’s motion for mental and physical examinations at the government’s expenses is denied.

NOW, this 21st day of April, 2010, **IT IS HEREBY ORDERED** that Plaintiff Nathan Riley’s Motion for Physical and Mental Examinations (Doc. 157) is **DENIED**.

/s/ A. Richard Caputo
A. Richard Caputo
United States District Judge